## REMARKS

Claims 1-4 and 6-23 and 25 are all the claims presently pending in the application. Claims 1 10, 18, 19 and 20 have been amended. Claims 5 and 24 have been canceled. Claim 25 has been added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-7 and 10-22 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Casebolt et al. (U. S. Patent No. 6,816,150) in view of Engle et al. (U. S. Patent No. 5,541,622). Claims 8-9 and 23 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Casebolt and Engle, and further in view of the alleged admitted prior art (AAPA) (Application at page 1, line 13-page 3, line 13).

These rejections are respectfully traversed in the following discussion.

## I.    THE CLAIMED INVENTION

The claimed invention (e.g., as recited in claim 1) is directed to a controller for controlling a cursor, including an identifying module for identifying at least one of a first period when a cursor is in motion and a second period when the cursor is not in motion, and a calibrating module for calibrating an input parameter signal by detecting a hands-off period using a first hands-off test during the first period and a second hands-off test, different than the first hands-off test, during the second period.

Importantly, the first and second hands-off tests comprise a sampling of the input parameter signal, a duration of the sampling in the first hands-off test being greater than a duration of the sampling in the second hands-off test (Application at page 9, line 20- page 10, line 7).

Conventional cursor control systems attempt to detect cursor drift (e.g., due to

temperature or other environmental changes) and remove it from the significant signal. To do this, a hands-off condition may be identified from the properties of the signal itself by setting a testing time for identifying the hands-off period **to one compromise value**. However, cursor drift continues to be a nuisance (Application at page 3, lines 4-12).

In the claimed invention, on the other hand, <u>the first and second hands-off tests include a sampling of the input parameter signal, a duration of the sampling in the first hands-off test being greater than a duration of the sampling in the second hands-off test</u> (Application at page 9, line 20- page 10, line 7). In this case, even if "hands-off" is incorrectly reported, little harm is done since no erroneous cursor movement will result (Application at page 10, lines 5-7).

## II.    THE ALLEGED PRIOR ART REFERENCES

### A.    Casebolt and Engle

The Examiner alleges that Casebolt would have been combined with Engle to form the claimed invention of claims 1-7 and 10-22. Applicant submits, however, that these references would not have been combined and even if combined, the alleged combination would not teach or suggested each and every element of the claimed invention.

Casebolt discloses a capacitive sensing system for sensing the presence of an object or body portion in contact with or close proximity to another object (Casebolt at col. 3, lines 32-34).

Engle discloses a miniature mouse joystick apparatus which includes an integrated switch means coupled to an actuator assembly for detecting presence of a user's fingertip contacting the actuator assembly (Engle at col. 13, lines 7-9).

Applicant respectfully submits that these references would not have been combined as alleged by the Examiner. Indeed, these references are completely <u>unrelated</u>, and no person of ordinary skill in the art would have considered combining these disparate references,<u> absent impermissible hindsight</u>.

In fact, Applicant submits that <u>these references do not include any motivation or suggestion</u> to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination.

Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has <u>failed to make a prima facie case of obviousness</u>.

Moreover, neither Casebolt, nor Engle, nor any alleged combination thereof, teaches or suggests "*wherein said first and second hands-off tests comprise a sampling of the input parameter signal, a duration of said sampling in said first hands-off test being greater than a duration of said sampling in said second hands-off test*", as recited, for example, in claim 1 and similarly recited in claims 10, 18 and 20. As noted above, in this case, even if "hands-off" is incorrectly reported, little harm is done since no erroneous cursor movement will result (Application at page 10, lines 5-7).

Clearly, these features are not taught or suggested by Casebolt or Engle.

**<u>In fact, the Examiner expressly concedes that this feature is not taught or suggested by Casebolt or Engle on page 12 of the Office Action.</u>**

Therefore, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.


**B.      AAPA**

The Examiner alleges that Casebolt and Engle would have been combined with the AAPA to form the invention of claims 8-9 and 23. Applicant submits, however, that these references would not have been combined and even if combined, the alleged combination would not teach or suggested each and every element of the claimed invention.

The AAPA discloses a conventional cursor control system which attempts to detect cursor drift (e.g., due to temperature or other environmental changes) and remove it from the significant signal. To do this, a hands-off period may be identified from the properties of the signal itself by setting a testing time for identifying the hands-off period to one compromise value. However, the AAPA teaches that **cursor drift continues to be a nuisance** (Application at page 3, lines 4-12).

Applicant respectfully submits that these references would not have been combined as alleged by the Examiner. Indeed, these references are completely <u>unrelated</u>, and no person of ordinary skill in the art would have considered combining these disparate references, <u>absent impermissible hindsight</u>.

In fact, Applicant submits that <u>these references do not include any motivation or suggestion</u> to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination.

Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has <u>failed to make a prima facie case of obviousness</u>.

Moreover, Applicant submits that neither Casebolt, nor Engle, nor the AAPA, nor any alleged combination thereof, teaches or suggests suggest "*wherein said first and second hands-off tests comprise a sampling of the input parameter signal, a duration of said sampling in said first hands-off test being greater than a duration of said sampling in said second hands-off test*", as recited, for example, in claim 1 and similarly recited in claims 10, 18 and 20. As noted above, in this case, even if "hands-off" is incorrectly reported, little harm is done since no erroneous cursor movement will result (Application at page 10, lines 5-7).

Clearly, the AAPA does not teach or suggest this feature.

Indeed, Applicant would <u>again</u> point out that the AAPA teaches generally that the "<u>testing time should be made as short as possible</u>" which would allow for recalibration before a cursor movement occurs, and normally avoids spontaneous cursor movement (Application at page 2, lines 11-19) (emphasis added). On the other hand, the AAPA teaches that the testing time should be lengthened in order to avoid the situation in which if a "hands-off" period is detected in error, and a recalibration occurs to a signal value which is actually outside the dead band relative to the true "hands-off" signal (Application at page 2, lines 22-23; page 3, lines 5-6).

Therefore (in direct contrast to the Examiner's unreasonable assertions), the AAPA teaches setting a testing time for identifying the hands-off period **to one compromise value** or to **never calibrate the input signal** (Application at page 3, lines 4-12).

Therefore, the Examiner's assertions are completely unreasonable. Indeed, nowhere does the AAPA teach or suggest <u>first and second hands-off tests which include a sampling of the input parameter signal, a duration of the sampling in the first hands-off test being greater than a duration of the sampling in the second hands-off test.</u>

Therefore, the AAPA certainly does not make up for the deficiencies of Casebolt and Engle.

Therefore, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.


## III.    FORMAL MATTERS AND CONCLUSION

The Examiner objects to claim 5 as allegedly failing to further the subject matter of claim 1 from which claim 5 depends. Applicant notes, however, that claim 5 has been canceled to address the Examiner's concerns.

In view of the foregoing, Applicant submits that claims 1-4, 6-23 and 25, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a <u>telephonic or personal interview</u>.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date: <u>February 25, 2008</u>

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